

# Merchant & Gould

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A Professional Corporation

**Fax Transmission** | June 25, 2004

TO: Commissioner for Patents  
Attn: Examiner Jasmine Song  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: Timothy P. Sullivan

OUR REF: 40062.93US01

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Total pages, including cover letter: 2

JUN 25 2004

PTO FAX NUMBER 1-703-872-9306

If you do NOT receive all of the pages, please telephone us at 206.342.6200, or fax us at 206.342.6201.

Title of Document Transmitted: Transmittal (+copy); Amendment  
Applicant: Brian Berkowitz et al.  
Serial No.: 09/912,615  
Filed: July 24, 2001  
Group Art Unit: 2188  
Our Ref. No.: 40062.93US01  
Confirmation No. 5453

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: [Signature]  
Name: Timothy P. Sullivan  
Reg. No.: 47,981

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Tracy Gutscher

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Signature

6-25-04  
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brian Berkowitz et al	Examiner:	Jasmine Song
Serial No.:	09/912,615	Group Art Unit:	2188
Filed:	July 24, 2001	Docket:	40062.93US01
Confirmation No.:	5453	Notice of Allow. Date:	
Due Date:	June 25, 2004		
Title:	SYSTEM AND METHOD FOR BACKING UP AND RESTORING DATA		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this correspondence is being sent via facsimile to (703) 872-9306, Mail Stop Amendment, Commissioner for Patents, Attn: Examiner Jasmine Song, P.O. Box 1450, Alexandria, VA 22313-1450 on June 25, 2004.

By:   
Name: Tracy Gutscher

Mail Stop Amendment  
Commissioner for Patents  
Attn: Examiner Jasmine Song  
P.O. Box 1450  
Alexandria, VA 22313-1450

**27488**

PATENT TRADEMARK OFFICE


Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate Under 37 CFR 1.6(d)
- ☒ Amendment

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
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By:   
Name: Timothy P. Sullivan  
Reg. No.: 47,981  
TPS:tg

(PTO TRANSMITTAL - GENERAL)

**OFFICIAL**PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brian Berkowitz et al. Examiner: Jasmine Song  
Application No.: 09/912,615 Group Art Unit: 2188  
Filed: July 24, 2001 Docket No.: 40062.93US01  
Title: SYSTEM AND METHOD FOR BACKING UP AND RESTORING DATA

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By:   
Name: Tracy Gutscher

AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
Attn: Examiner Jasmine Song  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 25 2004

Dear Sir:

In response to the Office Action of March 25, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.